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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/849,452
Filing Date	May 4, 2001
First Named Inventor	Michael Lassner
Group Art Unit	1636
Examiner Name	Katharine F. Davis
Attorney Docket Number	0137.210US

Total Number of Pages in This Submission

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## ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Response
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☒ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Small Entity Statement
- ☐ Request for Refund

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Additional Enclosure(s) (please identify below):

Response to Restriction Requirement/Preliminary Amendment; Return Postcard

### Authorization to Charge Deposit Account

Please charge Deposit Account No. 50-0990 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

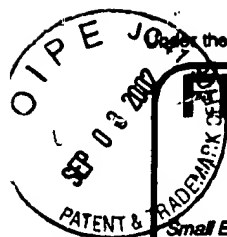
Firm or Individual name	Christopher M. Holman, Reg. No. 40,021
Signature	
Date	August 21, 2002

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: August 22, 2002

Typed or printed name	Julie K. Mausen
Signature	
Date	Aug 22, 2002

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**FREE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.**TOTAL AMOUNT OF PAYMENT (\$)** 110.00**Complete if Known**

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Filing Date	May 4, 2001
First Named Inventor	Michael Lassner
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- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number  
Deposit  
Account  
Name

Maxygen, Inc.

05-0990

- ☒
- Charge Any Additional
- 
- Fee Required Under
- 
- 37 CFR 1.16 and 1.17

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 310	206 155	Design filing fee	
107 480	207 240	Plant filing fee	
108 690	208 345	Reissue filing fee	
114 150	214 75	Provisional filing fee	

**SUBTOTAL (1) (\$)****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
20**			
3**			
Multiple Dependent			

\*\*or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid	
109 78	209 39	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2) (\$)****FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	110.00
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1440	218 720	Extension for reply within fourth month	
128 1960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 300	220 150	Filing a brief in support of an appeal	
121 260	221 130	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1280	241 640	Petition to revive - unintentional	
142 1280	242 640	Utility issue fee (or reissue)	
143 430	243 215	Design issue fee	
144 580	244 290	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 690	246 345	Filing a submission after final rejection (37 CFR 1.129(a))	
149 690	249 345	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify) _____			
Other fee (specify) _____			
Reduced by Basic Filing Fee Paid			
<b>SUBTOTAL (3) (\$)</b>			110.00

**SUBMITTED BY**Typed or  
Printed Name

Christopher M. Holman

Signature

Date

August 21, 2002

**Complete (if applicable)**

Reg. Number

40,021

Deposit Account  
User ID**CERTIFICATE OF MAILING**

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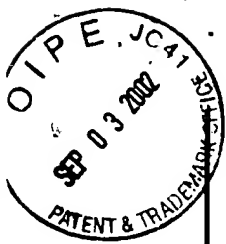
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Printed Name

Julie K. Mause

Signature

Date

Aug 22, 2002




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Of Patents  
Washington, D.C. 20231-0001

On August 22, 2002

By   
Julie K. Mause

Attorney Docket No: 0137.210US

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Michael Lassner

Application No.: 09/849,452

Filed: May 4, 2001

For: EVOLUTION OF PLANT DISEASE  
RESPONSE PLANT PATHWAYS TO  
ENABLE THE DEVELOPMENT OF  
BASED BIOLOGICAL SENSOR AND TO  
DEVELOP NOVEL DISEASE  
RESISTANCE STRATEGIES

Examiner: Katharine F. Davis

Art Unit: 1636

**RESPONSE TO RESTRICTION  
AND PRELIMINARY  
AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The present communication includes a response to a restriction requirement and a preliminary amendment to the application. Entry of both is respectfully requested. A petition to extend the period of time for response for one month from August 1, 2002 through September 1, 2002 accompanies this amendment.

**RESPONSE TO RESTRICTION**

In response to the Office Action mailed July 1, 2002, Applicants elect with traverse to prosecute the claims of Group VIII (claims 94-104).